

NOV 03 2006

PATENT
Atty. Docket No. ABC-00501REMARKS

Prior to this amendment, claims 1-24 were pending in this application. Claims 4,8-15, 18-19 and 22-23 are cancelled accordingly. Claims 1-3, 5-7, 16-17, 20-21 and 24 remain in the application. Applicant respectfully requests reconsideration in view of the amendments made above and the remarks set forth below.

SUMMARY OF THE REJECTIONS AND OBJECTIONS

Claims 1-3, 5, 6 and 8-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yun* (U.S. Patent No. 6,842,836 to Yun et al.) in view of *Ketcham* (U.S. Patent No. 6,363,429 to Ketcham). Claims 4 and 7 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

AMENDMENTS TO THE CLAIMS BASED ON REJECTIONS AND OBJECTIONS

Claims 4 and 8 have been combined with Claims 1 and 5, respectively. Although the office action objected to claims 4 and 7, it appears the examiner was referring to claims 4 and 8. The language of claim 4 reads:

The method according to claim 1 wherein the step of adjusting the rate of transfer is performed dynamically to accommodate changes in the average rate of transfer of packets.

The language of claim 8 reads:

The apparatus according to claim 5 wherein the controller means operates dynamically to accommodate changes in the average rate of transfer of packets.

Based on a telephone conversation with the examiner, applicant also believes Claims 18 and 19 would be allowed if combined with claim 16. This suggestion has been complied with.

Further, based on the same telephone with the examiner, Claims 22 and 23 would be allowed if combined with claim 21. This suggestion has been complied with.

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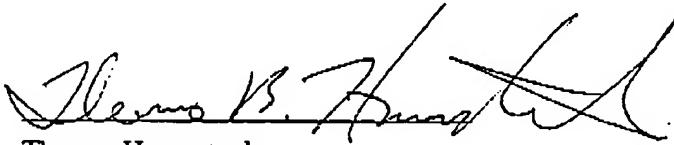
CONCLUSION

For the reasons set forth above, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,
Haverstock & Owens LLP

Date: 10-16-06

By:



Thomas Haverstock

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: _____ By: _____